

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WALTER W. GARCIA-SERRANNO,  
ANNA M. STESIK-GARCIA, CIPRIAN  
VERES-POP, JOSE M. MERINO, AND  
WALTER FLORES, on behalf of themselves  
and on behalf of all others similarly situated,  
Plaintiffs,

-against-

09 Civ. 5467 (LAK)

33 WEST 54<sup>TH</sup> STREET LLC,  
FRANCESCO SORRENTINO a/k/a  
GIANFRANCO SORRENTINO, PAULA  
BOLLA SORRENTINO, AND MARIO  
COPPOLA,

Defendants.

X  
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**NOTICE OF DEFENDANTS' MOTION FOR PARTIAL DISMISSAL OF PLAINTIFFS'**  
**SECOND AMENDED COMPLAINT WITH PREJUDICE**

TO: Robert Wisniewski  
Wisniewski PC  
225 Broadway, Suite 1020  
New York, New York 10007

PLEASE TAKE NOTICE that upon the Memorandum of Law in support of Defendants' Motion for Partial Dismissal of Plaintiffs' Second Amended Complaint with Prejudice, Defendants 33 West 54<sup>th</sup> Street LLC, Francesco Sorrentino a/k/a Gianfranco Sorrentino, and Paula Bolla Sorrentino (collectively "Defendants") by and through their undersigned attorneys, Jackson Lewis LLP, shall move this Court, before the Honorable Lewis A. Kaplan, United States District Court Judge, at the United States Courthouse, 500 Pearl Street,

New York, New York 10007, on a date and time set by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to partially dismiss Plaintiffs' Amended Complaint with prejudice.

Respectfully submitted,

JACKSON LEWIS LLP  
59 Maiden Lane  
New York, New York 10038  
(212) 545-4000

By: /s/ Felice B. Ekelman  
Felice B. Ekelman (FE 5692)

ATTORNEY FOR DEFENDANTS

Dated: September 8, 2009  
New York, New York

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2009 a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

By: /s/ Felice B. Ekelman  
Felice B. Ekelman (FE 5692)